

REMARKS

Reconsideration of the present application is respectfully requested in view of the following remarks. Prior to entry of this response, Claims 1-21 were pending in the application, of which Claims 1, 6, and 16 are independent. In the Final Office Action dated March 18, 2009, Claims 1-5 and 16-21 were rejected under 35 U.S.C. § 102(e). Applicants hereby address the Examiner's rejections in turn.

I. Rejection of Claims 1-5 and 16-21 Under 35 U.S.C. § 102(e)

In the Final Office Action dated March 18, 2009, the Examiner rejected Claims 1-5 and 16-21 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,088,374 ("David").

On December 2, 2008, Applicants submitted a declaration under 37 CFR 1.132 stating that David is based on Applicants' own work. The Examiner objected to the declaration as failing to "provide a conspicuous statement that the application and the reference were owned by, or subject to an obligation of assignment to, the same person at the time the invention". (Final Office Action, p. 2).

Applicants herein respectfully submit a supplemental declaration under 37 CFR 1.132 providing a conspicuous statement that the application and the reference were owned by, or subject to an obligation of assignment to, the same person at the time the invention. Accordingly, David may not be used as prior art against the present application and Applicants respectfully request withdrawal of this rejection.

II. Conclusion

The preceding arguments are based only on the arguments in the Final Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Final Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability.

Please grant any extensions of time required to enter this amendment and charge any additional required fees to our Deposit Account No. 13-2725.

Respectfully submitted,
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